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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,600	01/20/2000	Evgeniy M. Getsin	IACTP014	6033

22242 7590 11/14/2003

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EXAMINER	
NGUYEN, DUSTIN	
ART UNIT	**PAPER NUMBER**
2154	18

DATE MAILED: 11/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/489,600	GETSIN ET AL.	
	Examiner	Art Unit	
	Dustin Nguyen	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 September 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *14,15,16* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. Claims 1 – 18 are presented for examination.

Response to Arguments

2. As per remarks, Applicants argued that (1) Ludwig and Carleton patents would go against the intended purpose of limiting the amount of real-time communications.

3. As to point (1), the claimed limitation discloses a method to playback an event simultaneously on a plurality of a client apparatuses, it does not teach nor suggest anything about limiting the amount of real-time communication. Furthermore, Ludwig discloses the amount of real-time communication is limited to the capacity of each participant [Ludwig, col 38, lines 50-65].

4. As per remarks, Applicants argued that (2) Ludwig does not teach or describe at least "creating an object in response to the request ... to playback the event on a client apparatus simultaneously with the playback of the event on the remaining client apparatuses upon the receipt of an activation signal."

5. As to point (2), it is rejected for the reasons as mentioned in previous Office Action. Furthermore, Ludwig discloses creating an object in response to the request [set up data

structure] [col 19, lines 31-33] and playback the event on a client apparatus simultaneously with the playback of the event on the remaining client apparatuses [col 31, lines 37-48].

6. As per remarks, Applicants argued that (3) Ludwig fails to teach or make obvious "sending the object to one of the client apparatuses utilizing the network for being stored therein".

7. As to point (3), Ludwig discloses the step of initiating the session and invoking the appropriate application necessary to manage the collaborative session and communicate via the AVNM [Figure 3; and col 19, lines 45-67].

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 1, 2, 5-8, 11-14, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al. [US Patent No 5802294], in view of Carleton et al. [US Patent No 5920694].

10. As per claim 1, Ludwig discloses the invention substantially as claimed including a method for creating a synchronizer object in order to playback an event simultaneously on a plurality of a client apparatuses, comprising the steps of:

receiving a request utilizing a network for viewing an event [col 8, lines 63-col 9, lines 3; and col 18, lines 49-59];

creating an object in response to the request [col 19, lines 3036], the object adapted to playback the event on a client apparatus simultaneous with the playback of the event on the remaining client apparatuses upon the receipt of an activation signal [col 6, lines 38-49; col 9, lines 25-35; and col 26, lines 22-35]; and

sending the object to one of the client apparatuses utilizing the network for being stored therein [col 19, lines 26-43].

Ludwig does not specifically disclose

queuing the request in memory.

Carleton discloses

queuing the request in memory [col 4, lines 53-61; and col 6, lines 7-15].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Ludwig and Carleton because Carleton's teaching of queuing request would provide an orderly process of information to prevent data corruption.

11. As per claim 2, Ludwig discloses the request is received via an application program embedded in a site on the network [col 18, lines 32-39].

12. As per claim 5, Ludwig discloses the object identifies a start time when the playback of the event is to begin on each of the client apparatus [col 31, lines 37-48].

13. As per claim 6, Ludwig discloses the activation signal is provided using a clock of the client apparatus [col 29, lines 41-52].

14. As per claims 7, 8, 11, and 12, they are program product claimed of claims 1, 2, 5 and 6, they are rejected for similar reasons as stated above in claims 1, 2, 5 and 6.

15. As per claim 13, 14, 17 and 18, they are apparatus claimed of claim 1, 2, 5, and 6, they are rejected for similar reasons as stated above in claims 1, 2, 5 and 6.

16. Claims 3, 4, 9, 10, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al. [US Patent No 5802294], in view of Carleton et al. [US Patent No 5920694], and further in view of Roberts et al. [US Patent No 6161132].

17. As per claim 3, Ludwig and Carleton do not discloses the object is adapted to playback the event which is stored in memory of the client apparatus. Roberts discloses the object is adapted to playback the event which is stored in memory of the client apparatus [col 7, lines 10-22 and 25-37; and col 8, lines 1-2]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Ludwig, Carleton and Roberts because

Roberts' teaching of playback the event would allow consumer to interactive with the system [Roberts, col 1, lines 57-65].

18. As per claim 4, Roberts discloses a digital video disc (DVD) [col 2, lines 5-10].

19. As per claims 9, 10, and 15, 16, they are program product and apparatus claimed of claims 3 and 4, they are rejected for similar reasons as stated above in claims 3 and 4 respectively.

20. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (703) 305-5321. The examiner can normally be reached on Monday – Friday (8:00 – 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703) 305-9678.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directly to the receptionist whose telephone number is (703) 305-3900.

Dustin Nguyen

ZARNI MAUNG
PRIMARY EXAMINER